

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 5 and 6 are presently active, Claims 2, 4 and 7-9 are canceled without prejudice, Claims 1, 3, 5 and 6 are amended. No new matter is added.

In the outstanding Office Action, Claim 9 was objected to because of informalities. Claims 1, 5 and 9 were rejected under 35 USC §102(e) as anticipated by Nishida (US 7,065,017). Claims 7 and 8 were rejected under 35 USC §102(b) as anticipated by the applicants' acknowledged prior art (hereinafter, "APA"). Claim 2 was rejected under 35 USC §103(a) as unpatentable over Nishida. Claims 3, 4, 6 and 8 were rejected under 35 USC §103(a) as unpatentable over Nishida in view of Nakajima et al. (US 6,807,134) and Fujimoto et al. (US 6,940,800).

Regarding the objection to Claim 9, Claim 9 is canceled without prejudice. Thus, it is respectfully submitted that the objection is now moot.

Regarding the rejection under 35 USC §102(b), §102(e) and §103(a), Applicants respectfully submit that the rejection is overcome because, in Applicants' view, amended Claims 1, 3, 5 and 6 patentably distinguish over the applied references as discussed below.

Amended Claim 1 recites, *inter alia*, "optically obtaining, from an optical disc on which physical address information is recorded in the form of phase modulation of a groove wobble, a difference signal based on outputs of a photodetector unit as a wobble signal that is affected by the groove wobble."

Instead, Nishida describes that based on the result of light received by an optical pickup 5, a summing amplifier 15 generates and outputs a playback signal RF having a signal level that varies in accordance with a series of pits formed in the optical disk 2 (Nishida Fig. 2 and at col. 6, line 66 through col. 7, line 2). Thus, Nishida only describes generating a

summing signal as a playback signal RF. The modulation form of a difference signal is different from the modulation form of a summing signal. Therefore, Nishida does not teach or suggest generating a difference signal as a wobble signal.

Thus, Nishida fails to teach or suggest at least “optically obtaining, from an optical disc on which physical address information is recorded in the form of phase modulation of a groove wobble, a difference signal based on outputs of a photodetector unit as a wobble signal that is affected by the groove wobble,” as recited in Claim 1.

Likewise, Nishida, Nakajima et al. and Fujimoto et al. fail to teach or suggest at least “optically obtaining, from an optical disc on which physical address information is recorded in the form of phase modulation of a groove wobble, a difference signal based on outputs of a photodetector unit as a wobble signal that is affected by the groove wobble,” as recited in Claim 3.

Likewise, Nishida fails to teach or suggest at least “means for optically obtaining, from an optical disc on which physical address information is recorded in the form of phase modulation of a groove wobble, a difference signal based on outputs of a photodetector unit as a wobble signal that is affected by the groove wobble,” as recited in Claim 5.

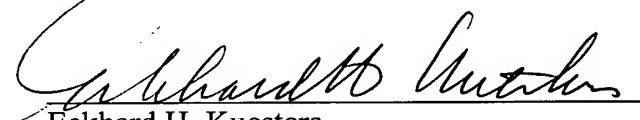
Likewise, Nishida, Nakajima et al. and Fujimoto et al. fail to teach or suggest at least “means for optically obtaining, from an optical disc on which physical address information is recorded in the form of phase modulation of a groove wobble, a difference signal based on outputs of a photodetector unit as a wobble signal that is affected by the groove wobble,” as recited in Claim 6.

Accordingly, Claims 1, 3, 5 and 6 patentably distinguish over the applied references. Therefore, Claims 1, 3, 5 and 6 are believed to be allowable.

Consequently, in view of the present amendment and in light of the above discussions, it is believed that the outstanding rejection is overcome, and the application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Eckhard H. Kuesters", is written over a horizontal line.

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